

NOTE CONCERNING GENERAL ORDER 2-30, CHILD ABUSE

The victimization of children is widespread. The U.S. Department of Health and Human Services estimates that more than three million children are victims of maltreatment by their parents or others each year. This includes physical and sexual assault, as well as neglect. Almost one million children are victims of substantiated abuse or neglect, creating a national rate of victimization of 15 children per 1,000 in the population. Further, approximately 1100 child maltreatment fatalities occur annually with two-thirds of them involving children younger than four. Victimization of children in school has become the source of most referrals to social services agencies.

Law-enforcement officers frequently encounter child victimization. People may report instances of suspected child abuse and neglect to a local law-enforcement agency, a church, a school, or a social services agency. In any case, multi-agency investigations have become increasingly more common. Multi-agency investigations through task forces require memoranda of understanding, contracts, or cooperative protocols. This order stresses the collaboration between officers and professionals in non-law-enforcement agencies as crucial to a successful investigative outcome. This order also assumes that most law-enforcement agencies that may adopt all or part of this order have little investigative specialization: the patrol officer may be required to undertake a complete investigation whereas another agency with a specialized child abuse unit may require patrol personnel to undertake a preliminary investigation only.

The Juvenile Services Section of the Department of Criminal Justice Services encourages the formation of multidisciplinary teams for investigating child abuse and neglect. Funds are occasionally available for this purpose: the Children's Justice Act provides funds directly to localities for the development of teams. Further, DCJS, under contract with the American Prosecutors Research Institute and the National Center for Missing & Exploited Children, has developed a 40-hour training curriculum for law-enforcement professionals, "Investigation of Child Sexual Abuse." A curriculum is under development concerning child physical abuse. Call the coordinator, Children's Justice Act Program at DCJS, at 804-371-0534 for further information.

(Statistics above were quoted from *Child Maltreatment 1996: Reports From the States to the National Child Abuse and Neglect Data System*, U.S. Department of Health and Human Services.)

POLICE/SHERIFF'S DEPARTMENT		GENERAL ORDERS	
SUBJECT: Child Abuse		NUMBER: 2-30	
EFFECTIVE DATE: July 1, 1999		REVIEW DATE:	
AMENDS/SUPERSEDES: GO 2-30, January, 1988		APPROVED: _____ Chief of Police/Sheriff	
CALEA STANDARDS: 41.1.4, 44.2		VLEPSC STANDARDS: OPR.O2.01-.06	

NOTE

This rule is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

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I. POLICY

It is the policy of the department to protect and ensure the safety and welfare of our children. All officers must be knowledgeable about child abuse and neglect, their effect on children, and shall help the children who become victimized. Coordination and collaboration with other criminal justice and social services agencies is paramount. Initial responsibility for investigation of most cases of abuse or neglect lies with law enforcement. The department has assumed community leadership in the prevention of child victimization and in the prosecution of offenders. The protection of all children is vital to the well-being of our community.

II. PURPOSE

To establish guidelines for investigating crimes in which the victims are children (any persons under the age of 18 years).

III. PROCEDURES

A. General responsibilities

1. As required by *Virginia Code* § 63.1-248.3, officers who have reason to suspect that a child is abused or neglected shall complete a report on the matter and contact the Department of Social Services through their toll-free child abuse and neglect hotline (800-552-7096). Officers shall coordinate with Child Protective Services (CPS) and Juvenile and Domestic Relations Court (JDRC) as appropriate.
 - a. Officers shall evaluate the circumstances of the possible abuse or neglect and decide whether the child requires immediate removal to a place of safety or whether an alternate course of action is more appropriate. In any case, officers shall communicate all pertinent information to CPS as soon as possible. CPS and the officer shall jointly determine a course of action. The investigative authority of CPS is outlined in § 63.1-248.6.
 - b. If the child's circumstances are such that continuing in his or her place of residence or care presents an imminent danger or if evidence of abuse is perishable or subject to deterioration before a hearing can be held, and a court order cannot be obtained immediately, then the officer shall take the child into custody. Refer to §§ 63.1-248.9 and 16.1-246 for further guidance on emergency removal of children.
 - (1) The officer shall notify the JDRC and within 72 hours shall obtain an emergency removal order per § 16.1-251. The **emergency** removal order is not necessary if JDRC holds a hearing within 72 hours of the child's removal and issues a **preliminary** removal order. Note that the 72-hour period may be extended if it expires on a weekend or other legal holiday.
2. Department personnel shall be trained and knowledgeable about child abuse and neglect, their effects on children, and how to identify them. (See the list of resources at the end of this order.)
3. All personnel interacting with child victims shall use developmentally-appropriate communication skills. (See Appendix to GO 2-28.)
4. All officers shall know and regularly review the sections of the *Virginia Code* that pertain to crimes most commonly committed against children:

- a. **Child abuse** -- §§ 63.1-248.2, 16.1-228 (definitions)
 - b. **Child neglect** -- § 18.2-371 (contributing to delinquency, abuse, or neglect), § 18.2-371.1 (abuse or neglect), § 18.2-314 (failure to secure medical attention for an injured child)
 - c. **Sexual exploitation of children** -- § 18.2-61 (rape), § 18.2-371 (statutory rape)
 - d. **Child abduction/kidnapping** -- § 18.2-47 (abduction and kidnapping), § 18.2-48 (abduction with the intent to extort money or for immoral purpose), § 18.2-49 (threatening, attempting, assisting in abduction), § 18.2-49.1 (violation of court order regarding custody and visitation)
5. When and where appropriate, officers shall work with local schools and social services agencies to educate children to identify and prevent their own victimization, and to provide community awareness.

B. Dispatcher (communication center) responsibilities

- 1. The dispatcher must decide if the child is in imminent danger (due to injury, threat, or abandonment). If so, an officer shall be sent to the child immediately. If circumstances do not involve imminent danger, an officer shall be sent although CPS shall be contacted to conduct a joint investigation.
 - a. If the alleged abuser is a caretaker (parent, guardian, or other legally-sanctioned adult), then CPS has an investigative role. If not, then law enforcement has the primary investigative role.
- 2. The dispatcher shall obtain the following information to give to the patrol officer or investigator assigned to the case:
 - a. Child's name, age, and address;
 - b. Child's present location;
 - c. Parents'/guardians' names and addresses;
 - d. Nature and extent of injury or condition;
 - e. Complainant's name, location, and relationship to the child; and

- f. History of any previous injury to the child and identification of the person responsible.
- 3. It is important to give support and reassurance to the complainant regarding the appropriateness of the report and its confidentiality, if applicable.
- 4. If there is a report of possible sexual assault, refer to sexual assault procedures (GO 2-31). Have a medical examination performed regardless of when the sexual assault took place.

C. Patrol responsibilities

- 1. Obtain all pertinent information from the dispatcher before arrival.
- 2. Initial contact
 - a. If the patrol officer suspects child abuse, he or she shall explain the law-enforcement role in ensuring the health and safety of the child.
 - b. If entry to the home is refused and the officer feels entry is necessary, he/she may gain entry in one of several ways.
 - (1) In a non-emergency, obtain a court order or a search warrant from a magistrate or juvenile court judge (§ 16.1-246 applies).
 - (2) In an emergency, forced entry without a warrant is legal when there is probable cause that a child is in danger. (See GO 2-1 for guidance on warrantless entries/emergency searches.)
 - c. The officer shall immediately ensure the safety of the child. Summon an ambulance or administer First Aid, if necessary. Reassure the child that he or she is safe now and that the child has done nothing wrong.
- 3. Transport the child victim to a safe place, if necessary. This may include a local shelter. The officer shall confer with CPS to decide on the appropriate placement. (See Victim Services, GO 2-28, re: transportation of crime victims).
- 4. If the child is a victim of sexual assault, refer to sexual assault procedures (GO 2-31).
- 5. Interviewing the victim.

- a. Child victims require special treatment. To minimize the number of times the child will have to tell his story, coordinate with other agencies (CPS), the courts, and the commonwealth's attorney before interviewing. If the child is the victim of possible parental abuse, consider the following strategies:
- (1) The child may be too young to interview (a child's capacity to deal with information differs from an adult's).
 - (2) Observe and note child's reactions during the initial contact.
 - (3) Interviewing the victim of child sexual abuse requires particular skills (see GO 2-31).
 - (4) Usually the parents should not be present during the interview of the child (the child may be afraid to tell the truth).
 - (5) The officer must be sensitive to the emotional stress of the child due to the interview itself (some children may not even understand that the behavior of the parents has been abusive or neglectful).
 - (6) The officer shall not appear to be taking sides against the parents. Children will generally become defensive if someone criticizes their parents, even if they agree.
 - (7) The interview shall be conducted in language at the child's developmental level.
 - (8) The interview shall always include what will happen next and how the officer will use the child's information.
 - (9) Provide reassurances to an anxious child victim by expressing belief in the child's story and an understanding of the child's dilemma but do not make promises.

[Note: Agencies may require that child victims shall only be interviewed by personnel trained in conducting child interviews.]

- b. Allow a supportive person to be present during the interview for a child's emotional comfort. The supportive person might be a parent, grandparent, or other adult whom the child trusts.

- c. At the beginning of the interview, the officer shall attempt to gain the child's confidence. The officer shall introduce himself or herself to the child, give the purpose of his or her presence, and conduct an informal, friendly interview with the child. If the interview is tape-recorded, allow the child to test his or her voice before beginning.
 - d. The officer must try to determine the emotional state of the child. Is the child ready to tell the truth and to talk about the incident? If not, delay the interview to a more appropriate time.
 - e. The interviewer must be sensitive to time. Younger children have shorter attention spans and the interview may need to be divided into several sessions to allow the child victim time to play or vent excess energy between sessions.
 - f. Provide a comfortable, child-friendly environment. Have a supportive person remain for the interview. Take reasonable steps to relax the child and allow for a more thorough interview.
 - g. If the officer decides that protective custody is needed, the officer shall be guided by the provisions of §§ 16.1-251, -252, and -253. § 63.1-248.9 allows an officer to take a child into custody for 72 hours without the prior approval of the parents or guardians under specified circumstances. To meet the letter and spirit of the relevant laws, the officer shall consider the totality of circumstances to include
 - (1) the maltreatment in the home, present or potential;
 - (2) evidence of abuse, torture, or neglect by the parent;
 - (3) the parents' refusal to obtain needed medical or psychological care of the child;
 - (4) evidence that the parents cannot provide for the child's basic needs; and
 - (5) a history of prior offenses/allegations in which the child is the victim.
 - h. See Victim Services, interviewing the victim procedures (GO 2-28).
6. Interviewing witnesses (including the parents/guardians).

- a. Create an atmosphere of support and understanding. Remain non-judgmental.
 - b. The officer must communicate in a friendly manner and allow the adults to express their anger and fears concerning the incident.
 - c. Assess resistance to the interview. It may be in the form of denial, uncooperative attitude, or explanations of how uncontrollable the child is.
 - d. If the officer suspects criminality, constitutional safeguards must be scrupulously observed. The officer may need to advise the suspect of *Miranda* rights before conducting the interview. (Refer to GO 2-1, constitutional safeguards.)
 - e. If parental child abuse is suspected, interview each parent separately and be alert to any apparent vagueness or inconsistencies in the explanations each gives for the allegation. Parents shall be told the reason for the interview and be treated with respect. Parents shall be interviewed at the department office, not at their home.
 - f. Witnesses may be reluctant to discuss a family matter with an officer (due to fear of retaliation or because of breaking confidentiality). Officers shall explain the use of any information provided and any confidentiality protocol that applies. ***[Note: Refer here to an order, if any, on information, intelligence, and confidentiality safeguards. Personnel must understand what information must be kept confidential, or to whom and when it may be disclosed.]***
7. Refer to the section on patrol responsibilities in GO 2-28 regarding procedures for crime scene preservation; completing the crime report; property control; media relations.

D. Investigator responsibilities

- 1. Child victims have little power and depend on law-enforcement officers and social services agencies to take action in whatever way is needed to lessen their victimization. In collaboration with the commonwealth's attorney, CPS, and other relevant authorities, the investigator shall determine whether or not criminal prosecution is the best means to achieve that end. Short of an arrest, protective and removal orders may be appropriate.
- 2. The investigator shall place a high priority on coordinating and communicating at every component of the case with appropriate social

services agencies (e.g., CPS, Juvenile and Domestic Relations Court, court-appointed guardian, or child advocate).

3. Either the investigator or the patrol officer must report any child abuse/neglect to the Department of Social Services. A copy of the offense report must be sent of Social Services. Under § 63.1-248.3, law-enforcement officers are mandated reporters of abuse or neglect.

Investigative Resources

Several resources exist which help law enforcers refine investigative skills in child physical and sexual abuse, and neglect. Printed resources, however, go out of date, are revised or updated, and new ones appear each year. Although several publications are listed here, contact the resource agencies for lists of their latest publications. Note that most of these publications are free of charge.

1. *National Center for Missing & Exploited Children*, 1-800-843-5678 (<http://www.missingkids.com>), 2101 Wilson Blvd., Suite 550, Arlington, VA 22201-3077.

Federal law created the National Center which provides free services and resources including technical case assistance, a 24-hour, toll-free hotline, publications, expert investigative on-site assistance, forensic services, and photograph and poster preparation and distribution, to note the most significant services. The 800 number above gives access to the hotline (plus case management and lead/information analysis). The hotline can also be reached at 703-235-3900 (or 74431.177@compuserve.com). Recently, the National Center created the National Child Pornography Tipline, 1-800-843-5678. Some of the National Center's free publications which are designed for law enforcement include:

Missing and Abducted Children: A Law Enforcement Guide to Case Investigation and Program Management

Child Molesters: A Behavioral Analysis

Child Sex Rings: A Behavioral Analysis

2. *National Clearinghouse on Child Abuse and Neglect Information*, PO Box 1182, Washington, D.C. 20013-1182, 703-385-7565, 1-800-FYI-3366.

The National Clearinghouse publishes a "User Manual Series" designed to provide guidance to professionals involved in the treatment and prevention of child abuse and neglect. Some of the National Clearinghouse's free publications include:

A Coordinated Response to Child Abuse and Neglect: A Basic Manual

The Role of Law Enforcement in the Response to Child Abuse and Neglect

Child Sexual Abuse: Intervention and Treatment Issues

Using Crisis Intervention in Child Abuse and Neglect Cases

3. *Juvenile Justice Clearinghouse, Office of Juvenile Justice and Delinquency Prevention (OJJDP)*. Through the National Criminal Justice Reference Service (NCJRS), the Juvenile Justice Clearinghouse publishes several free guides that can be ordered by sending an email request to

askncjrs@ncjrs.org or by writing the Juvenile Justice Clearinghouse at PO Box 6000, Rockville, Maryland 20849-6000, or by calling 1-800-638-8736. NCJRS can be reached at <http://www.ncjrs.org>. The following Juvenile Justice Clearinghouse guides are available (and quote the NCJ number when ordering):

Battered Child Syndrome: Investigating Physical Abuse and Homicide (NCJ-161406)

Interviewing Child Witnesses and Victims of Sexual Abuse (NCJ-161623)

Photodocumentation in the Investigation of Child Abuse (NCJ-160939)

Law Enforcement Response to Child Abuse (NCJ-162427)

Sexually Transmitted Diseases and Child Sexual Abuse (NCJ-160940)